

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
EASTERN DIVISION**

<b>MALIK ELAWAD,</b>	)	
	)	
<b>Petitioner,</b>	)	
	)	
<b>v.</b>	)	<b>Case No. 1:12-CV-3783-VEH-SGC</b>
	)	
<b>JOHN T. RATHMAN,</b>	)	
	)	
<b>Respondent.</b>	)	

**MEMORANDUM OPINION**

On May 8, 2015, the magistrate judge filed a report recommending that the relief sought in this matter be denied. (Doc. 10). In particular, the magistrate judge found: (1) to the extent Petitioner invokes 28 U.S.C. § 2255, the court lacked jurisdiction; and (2) to the extent Petitioner invoked 28 U.S.C. § 2241, his claims were without merit. (*Id.* at 6). The magistrate judge further recommended denial of a certificate of appealability to the extent Petitioner invoked 28 U.S.C. § 2255. The parties were allowed an opportunity to file objections but neither party has done so.<sup>1</sup>

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<sup>1</sup> Three days after entry of the report and recommendation Petitioner signed a motion to expedite ruling on this matter. (Doc. 11). This motion, apparently mailed before Petitioner received the report and recommendation, mirrored an earlier motion to expedite (Doc. 8) filed before entry of the report and recommendation. Nowhere in Petitioner's most recent motion to expedite does he refer or object to the report and recommendation. Accordingly, in light of this memorandum opinion, both motions to expedite (Docs. 8, 11) are **DENIED** as **MOOT**.

Having carefully reviewed and considered *de novo* all the materials in the court file, the Court is of the opinion that the magistrate judge's findings are due to be and are hereby **ADOPTED** and her recommendation is **ACCEPTED**. Accordingly, this matter is due to be denied and dismissed.

A Final Judgment will be entered.

**DONE** and **ORDERED** this the 16th day of June, 2015.

A handwritten signature in black ink, appearing to read "V. Emerson Hopkins", is written over a horizontal line.

**VIRGINIA EMERSON HOPKINS**  
United States District Judge